



MDE Recommends

ENROLLMENT

The sections of the *Revised School Code* that address this issue are contained in the Michigan Compiled Laws under MCL 380.1135 and 380.1147.

Right to Enroll

Michigan law guarantees that all children who are at least five years of age on December 1 are entitled to enroll in the school district in which they are residents [MCL 380.1147]. The Michigan Attorney General issued an opinion cited as 1981 OAG 5925 that states that a board of education of a school district may require reasonable verification that the child meets the requirements for being a resident of the school district for the purposes of attendance. For additional information, see the issue paper on Residency.

Identity and Age

Michigan law requires a person enrolling a student in school provide the local or intermediate school district with a certified copy of the student's birth certificate or other reliable proof of the student's identity and age [MCL 380.1135]. The pertinent part of the law states the following:

- (1) *Upon enrollment of a student for the first time in a local or intermediate school district, the district shall notify in writing the person enrolling the student that within 30 days he or she shall provide to the local or intermediate school district either of the following:*
 - (a) *A certified copy of the student's birth certificate.*
 - (b) *Other reliable proof, as determined by the school district, of the student's identity and age, and an affidavit explaining the inability to produce a copy of the birth certificate.*
- (2) *If a person enrolling a student fails to comply with subsection (1), the local or intermediate school district shall notify the person enrolling the student in writing that, unless he or she complies within 30 days after the notification, the case shall be referred to the local law enforcement agency for investigation. If the person enrolling the student fails to comply within that 30-day period, the local or intermediate school district shall notify the local law enforcement agency.*
- (3) *The local or intermediate school district shall immediately report to the local law enforcement agency any affidavit received pursuant to this section that appears inaccurate or suspicious in form or content*

Examples of Other Reliable Proof

The school district has the authority to determine the type of other reliable proof it will accept to prove a student's identity or age when a certified copy of the student's birth certificate is not produced. Besides a birth certificate, local boards of education may accept a baptismal certificate indicating date and place of birth, court records, county, military, or immigration records, doctor or hospital records with a sworn statement, certain family records, life insurance



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policy, or, if none of these is provided, a sworn statement from a parent or guardian which must be notarized.

Transfer of Student Records

Michigan law requires a public school when enrolling a transfer student to request a copy of the student's school record from his or her previous school within 14 days after enrolling the transfer student. The sending school must forward a copy within 30 days of the request [MCL 380.1135(4)]. The No Child Left Behind Act requires that public schools have a procedure in place to facilitate the transfer of disciplinary records. A student's disciplinary record, including suspension and expulsion action against the student, must be included in the student record that is transferred to any private or public school.

Social Security Number

It is unlawful for any federal, state, or local government agency to deny any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose, except as provided below for school lunch programs, his or her social security account number. A school district cannot mandate that parents disclose the social security number of their children.

Further information regarding the disclosure of social security numbers is available under the *Family Education Rights and Privacy Act of 1974 (FERPA)* [20 USC §1232g et seq.]

School Lunch Programs - Free and Reduced Lunch

The Child Nutrition and Women, Infants and Children Reauthorization Act of 1989 (P.L. 101-147) requires the member of the household who applies for the school lunch program to provide the social security number of the parent or legal guardian of the child for whom the application is made. The social security number of the parent or legal guardian must be provided for the child to be eligible to receive free and reduced lunch.

This information is provided as a service of the Michigan Department of Education and is distributed with the understanding that the Department is not engaged in rendering legal advice. Those individuals desiring or requiring legal advice should seek the services of an attorney.

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